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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,280	03/23/2004	Philip Feldman	2217.0007CIP	1846
27896	7590	12/22/2005	EXAMINER	
EDELL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,280

Applicant(s)

FELDMAN ET AL.

Examiner

Kim T. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/04, 10/20/04, 10/26/04, 2/22/05
3/21/05, 4/13/05, 5/26/05, 8/22/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 20 and 41 are objected to because of the following informalities:
 - a) In claim 20, line 3, the claimed limitation "a gaming application" should be corrected to "the gaming application".
 - b) In claim 41, line 2, the claimed limitation "said game controller" should be corrected to "a game controller".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-10, 20-21, 23-31 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaudette et al (US 6,044,772) in view of Kuo et al (US 2004/0038786).**

As per claim 1, Gaudette discloses a support structure for enabling interaction with a gaming application. The support structure comprises a base 13 (Fig. 2); a game controller (col. 5, lines 27-34) and a rod 25 (Fig. 2) secured to the base 13 (Fig. 2) and including the game controller secured thereto, the rod includes dimensions to support

the game controller above the base and in a position enabling a user to operate the game controller in a standing position (Fig. 2; col. 4, lines 30-35; col. 5, lines 10-25; and col. 6, lines 25-28). Gaudette does not disclose that the base includes an elongated longitudinal member extending along a structure longitudinal axis and plurality of elongated transverse members each secured to and extending transversely from a corresponding longitudinal member end. However, Kuo discloses the base 10 (Fig. 1) as claimed (paragraph 0018). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the base of the support structure of Gaudette with the base taught by Kuo in order to enhance stability of the support device.

As per claim 2, including a gripping surface to a base for accommodating user feet would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 3-4, Gaudette discloses including a dimension adjustment mechanism to adjust dimension of the rod and a position of the game controller (col. 5, lines 10-13).

As per claim 5, Gaudette discloses including a pivot mechanism to adjust orientation of the game controller (col. 4, lines 39-51).

As per claim 6-7, Kuo discloses including a body support with a post 20 (Fig. 2) secured to the base to support a user lower body portion and a support member secured to the post (paragraphs 0021 and 0019).

As per claim 8-10, Kuo discloses including a dimension adjustment mechanism to adjust dimensions of the post and a pivot mechanism to adjust orientation of the support member (Fig. 2; paragraph 0021).

As per claim 20-21, refer to discussion in claims 1 and 3 above. Further, Gaudette discloses attaching the rod to a platform 11 (Fig. 2). Further, attaching the rod to a wall, ceiling, floor, or door would have been both well-known and obvious design choice.

As per claim 23-31 and 41-42, refer to discussion in claims 1-10 and 20-21 above.

4. Claims 11-19, 22, 32-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaudette et al (US 6,044,772) in view of Kuo et al (US 2004/0038786) and Stark et al (US 5,929,782).

As per claim 11-13, Gaudette does not explicitly disclose providing an isometric exercise, including a sensor in the rod to measure force and including a processor for receiving and process data corresponding to the applied force. However, Stark discloses the claimed limitation (col. 22, lines 29-67 and col. 23, lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an isometric exercise for the user and including a sensor and a processor for measuring and processing the force applied by the user to the structure of Gaudette as taught by Stark in order to allow the player to manipulate exercise using the game application.

As per claim 14, including a display in a game controller would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 15-16, Stark discloses determining an amount of work for a selected period of time, outputting information relating to the amount of work, and adjusting the force applied by the user (col. 25, lines 36-39 and 60-67).

As per claim 17, Stark discloses including an input device for inputting the amount of force (col. 23, lines 32-35; col. 26, lines 47-48).

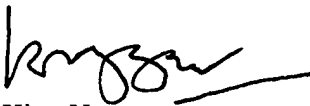
As per claim 18-19, including a handle in a game controller for receiving force from a user and manipulating input device to effect isokinetic or isotonic exercise would have been old and well known to a person of ordinary skill in the art.

As per claim 22, 32-40 and 43, refer to discussion in claims 11-19 above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Date: November 23, 2005


Kim Nguyen
Primary Examiner
Art Unit 3713